

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**No. 1:18-CR-02945-WJ**

**JANY LEVEILLE, et al.,**

**Defendants.**

**RESPONSE TO UNITED STATES' OBJECTION TO DEFENDANT SUBHANAH  
WAHHAJ'S PROPOSED VOIR DIRE**

Defendant Subhanah Wahhaj, through counsel, The Law Office of Ryan J. Villa, by Ryan J. Villa, and Justine Fox-Young, PC, by Justine Fox-Young, submits this Response to the United States' Objection [Doc. 896].

**ARGUMENT**

The government objects to these questions because it claims that terrorism, religion and racial bias are not issues in the case, but they are issues in the case and issues to discuss during voir dire. Defendants are charged with Providing Material Support to Terrorists and the Court's Special Jury Questionnaire (SJQ) [Doc. 885-2] informs the jury of this. See page 5. The SJQ also asks jurors if they can be fair and impartial because Defendants are Muslim, and specifically asks if they can be fair and impartial in a case involving the Islamic religion. *Id.* at page 9, Question 38. For the same reasons the jurors should be asked about bias against Muslims or Islam, they should be asked whether they are biased against African Americans, as Defendants are African American, and some prospective jurors may have bias in this regard, and they should not be able to sit on this jury if they harbor such prejudices. Ms. Wahhaj incorporates here arguments in this regard in her Response to United States' Objection to Specific Questions Within Defendant's Special Questionnaire [Doc. 834], at pp. 3-4, ¶ 1, p. 7, ¶ 7, p. 11-12, ¶ 18.

None of Ms. Wahhaj's questions implicate any claim of bias on the part of the government or selective prosecution. The government's arguments that somehow questions about these subjects will cause jurors to nullify the verdicts or believe the government is bias is unfounded. The jury will be instructed what is evidence and what is not, and a lawyer's questions during voir dire, that ask about the juror's bias, not the government's, are not evidence.

### **CONCLUSION**

For all of the foregoing reasons, the Court should overrule the objections and permit the questions proposed.

Respectfully submitted,

/s/ Ryan J. Villa

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*Attorneys for Defendant Subhanah Wahhaj*

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2023 a copy of the foregoing document was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/Ryan J. Villa

RYAN J. VILLA

